

JUDGE CARDWELL DENIES PAVING JUNCTION

Action of Beck, McCarthy and Folkes Fully Vindicated by Courts.

WORK WILL NOW GO FORWARD

Net Result of Long Fight of Losing Bidders Is to Delay Paving of Streets for More Than Thirty Days. Rumors Prove Unfounded.

Judge Richard H. Cardwell, of the State Supreme Court of Appeals, yesterday, denied the application of C. Ridgeway Moore for an injunction to restrain the Administrative Board from executing the smooth-paving contract awarded to the Central Construction and Supply Company, of Harrisburg, Pa., on September 25.

The complaint had sued out a temporary injunction in the Law and Equity Court on October 9. It was made returnable on October 17, when both sides submitted oral argument for and against making the injunction permanent. Both sides filed supplementary affidavits bearing upon the controversy, and, on October 22, Judge Crump entered a decree dissolving the injunction and approving the action of the Administrative Board majority in awarding the contracts in question.

The cause was promptly taken to Judge Cardwell, before whom the application for an injunction was argued Saturday. The judge kept the case under consideration since that day, and entered an order denying the application at 11 o'clock yesterday morning. City Attorney Pollard, for the city of Richmond, Attorney A. W. Parsons, representing the Central Construction and Supply Company, and Attorney C. V. Meredith, of the counsel for the complainant, were on hand to hear the decision.

Judge Cardwell's decision definitely closes the paving controversy, which has raged since September 25, when the board awarded to the Pennsylvania company a contract for approximately 100,000 square yards of asphaltic concrete paving at \$1.41 a yard, notwithstanding the fact that the Atlantic Bitulithic Company, offered to lay the same paving for \$1.29 a yard.

HIRSCHBERG AND WHITTET FAVORED BITULITHIC

The award was opposed by John Hirschberg and Robert Whittet, Jr., who took the position that the contract to the lowest responsible bidder, in this case the Atlantic Bitulithic Company, Carlton McCarthy, Elben C. Folkes and Henry P. Beck believed that it would be had policy to give the contract to a company at least one of whose officers had expressed his open contempt for asphaltic concrete paving and would do the work to the Central Construction and Supply Company, even though its bid was the lower one.

At the instance of the United Asphalt Refining Company of New York, makers of the asphaltic concrete, making the award, in favor of Beck, under Lake asphalt, C. Ridgeway Moore, a local attorney, instituted injunction proceedings to restrain the board from executing the paving contract, alleging gross waste of the city funds.

ACTION OF COURT VINDICATES MAJORITY OF BOARD

The subsequent action of the courts completely vindicated the majority of the board of the charge that in awarding the contract to a higher bidder it would be a waste of the public funds. In a lengthy review of the evidence, Judge Crump found nothing to substantiate this charge.

City Attorney Pollard notified Chairman Whittet, of the Administrative Board, yesterday, that he was free to sign the contract with the Central Construction and Supply Company after 12 o'clock noon. Mr. Whittet said last night that he will affix his signature to the contract at 5 o'clock this morning.

Following Judge Cardwell's decision a rumor gained circulation that, owing to the delay incident to the court proceedings, the Central Construction Company would find it impossible to make bonding arrangements, and would therefore be forced to forfeit the contract.

Mr. Whittet stated last night that the bidder had complied with all the requirements, and that only his signature was wanting to put the contract into effect.

VOUCHER ON WAY TO PAY STATE LICENSE TAX

Objection was made further that the Central Construction Company had failed to pay the state license tax for doing business in Virginia. The tax was due on May 1, 1914, and is still unpaid. Commissioner of Revenue Trenchon, when asked about the matter, said that the company has not yet paid the license tax, but that a voucher for the amount of the tax was on the way from Harrisburg, Pa. The home office, which would adjust the matter.

The immediate effect of the injunction proceedings has been to delay the execution of the contract for thirty days. It is understood that the Central Construction Company will immediately install a construction plant in the city and make arrangements for the paving materials and to co-operate with the City Chemist in supervising the execution of the contract.

INSPECTOR NAMED TO SUPERVISE SMOOTH PAVING

The Administrative Board yesterday appointed John B. Kelly as special inspector of asphaltic concrete paving. He will be required to be present at the construction plant and see that the paving materials are of the quality specified. He is charged with the duty of making daily reports to the board on the amount and quality of paving laid, and to co-operate with the City Chemist in supervising the execution of the contract.

Kelly will receive a salary of \$100 a month for his services. He is to be employed for the period of time that the execution of the smooth-paving contract will consume.

MISS EVA BOOTH TO SPEAK HERE ON NOVEMBER 5

Daughter of Founder of Salvation Army to Lecture on Work of That Organization.

An event of great interest to the general public and especially to persons interested in the work of the Salvation Army will be the lecture of Miss Eva Booth, daughter of General William Booth, father of the world-wide Salvation Army movement, on Thursday night, November 5, at the City Auditorium. Miss Booth will lecture on the history and workings of the Salvation Army, and the work of the organization.

The speaker will be accompanied by her own special orchestra, which will render many songs popularized by workers in the Salvation Army.

The appearance of Miss Booth, in Richmond, will be the result of earnest solicitation of Adjutant Elmer Johnson, who for the past two and a half years has served faithfully as commander of the local army. No general admission will be charged at the auditorium for the lecture, but a few reserved seats will be sold to defray actual expenses incident to the meeting.

There is every indication that a large audience will hear the daughter of the illustrious General Booth when she comes to lecture in Richmond. Miss Booth will probably make only one lecture during her stay.

Sharp Decline in Earnings.

Estimated earnings of the Southern Railway system for the third week in October were: this year, \$1,204,765; last year, \$1,551,126; decrease, \$346,361.

QUITE A CHANGE IN THE WEATHER



IF IT'S WARM AGAIN BY THE TIME YOU SEE THIS SAVE IT TILL THE NEXT COLD WAVE

A PORTABLE, PLATE GLASS, SUN PARLOR WOULD KEEP YOU WARM THIS WINTER AND ALSO PROTECT YOU FROM SUDDEN ATTACKS BY THE STREET DUST Well It Is About Time for It, We Suppose.

MONUMENT TO TYLER TO BE UNVEILED IN SPRING

Tardy Honor to Be Paid Tenth President of United States.

WILL BE PLACED IN HOLLYWOOD

Boston Contractor for Government Preparing Granite Shaft to Be Surmounted by Bronze Figure—Clark Names Congressional Committee.

After years of delay, it is planned now to begin the actual work of laying the monument in Hollywood Cemetery to John Tyler, tenth President of the United States, in March. The ground has already been laid off by the government engineers and the stone is now being cut and made ready for placement. It is probable that the unveiling will take place in the early spring, some time in May, if President R. C. Wherry, of the Howard Cemetery Company, can have his way with the congressional committee.

The marking of the grave of President Tyler is being done by the Federal government. Congress appropriated \$10,000 for the monument, and the stone-cutters in every section of the country. The design chosen is a granite shaft about twenty feet high, surmounted by a bronze bust of Tyler.

The contract was won by T. F. McGinnis Sons Company, of Boston. Twenty-two designs were submitted and sixteen entered bids.

CLARK NAMES COMMITTEE OF CONGRESS

Speaker Champ Clark appointed the following committee to represent the lower house at the unveiling exercises: Congressman Mortimer, of Virginia; Congressman Fitzgerald, of New York; Congressman Baker, of New York; Congressman Mann, of Illinois; and Congressman McHenry, of Kentucky.

The joint committee to represent the General Assembly of Virginia consists of Senator, President of the Senate, and Senator, President of the Senate, and Senator, President of the Senate.

Baker, Stubbs, Spessard and Gunn, Gov. and several members of the State, will be present at the exercises.

WAYMACK GIVES WEST VIRGINIA WIDE BERTH

Brings William Hoback Back for Trial on Charge of Stealing Gasoline Launch.

Police Sergeant W. E. Waymack, who went to work for William Hoback, who is wanted here on a charge of stealing a gasoline launch, appeared at the office of Governor Stuart yesterday afternoon with a broad grin on his face.

"Well, I got him this time," he greeted Secretary Forward. "I didn't return alone this time. But I didn't take any chances with the West Virginia jailers. I brought my prisoner over the Pennsylvania line. It was a round about way, but when I discovered that competitive railroad fares would enable us to make the trip without coming back through Bluefield, where I lost Hoback last spring, I decided that a long ride would do us both good."

Then the sergeant handed in his expense account for the trip. He was informed that the Governor was out of the city, and the account could not be paid until the executive returned.

Sergeant Waymack expressed regret at the circumstance, but said he was so pleased with himself over the recapture of Hoback that he could afford to grin and wait.

"Did you remind Hoback of the taunting post-card he sent you from Canada when he escaped?" Mr. Forward asked.

"Of course I did," replied the sergeant. "He said he didn't mean to offend. He had sent half a dozen other cards like it to police officers. He thought it was a good joke on us, and there was no reason for any of us feeling offended."

Said to Be Escaped Convict.

The case against George Thoms, the white man arrested by Detective Duffy, charged with being an escaped convict from road force camp No. 3, was yesterday continued until October 31 by Justice Griggs.

HOME FOR INCURABLES MAKES ANNUAL APPEAL

Institution Is Dependent on Generosity of Public for Its Support.

IDEA CONCEIVED BY INVALID

Institution Founded by Miss Mary Greenhow in 1894 Has Done Wonderful Work for Relief of Human Suffering.

How hard it is for many good folk to do with less than the usual number of sugar lumps in their coffee these mornings, and to do with less coffee would be unthinkable, but that is quite within the range of possibility for the inmates of the Home for Incurables unless the philanthropically inclined come to their rescue to-day. This is donation day, and the board of managers is making a strong appeal for those whose lives are spent with hunted, our walls. Luxuries are not asked for—just the necessities.

One pound of sugar, one pound of flour, a quart of meal—these things require so little sacrifice on the part of the giver, but the accumulated result means much.

As one member of the board said: "If every Richmond woman who thinks of us to-day would just call up her grocer and send us 5 cents' worth of something she could be conferring a great benefit."

IDEA OF HOME WAS CONCEIVED BY INVALID

Money, of course, is always welcome, but the idea of the home is that even the widow's mite will be used to the benefit of the incurable. The total assured income of the home. This covers the cost of repairs as well as supplying the necessities.

The idea of the Home for Incurables was conceived by Miss Mary Greenhow in 1894. She was an invalid herself, and while confined to her room employed her fingers in fashioning small mats, the proceeds of which were the first money deposited for this institution.

tireless board of managers has kept the good work going ever since. The officers are Mrs. John Murphy, president; Mrs. Aubrey Young, vice-president; Mrs. S. H. Benites, recording secretary; Mrs. Loren Dickenson, corresponding secretary; Miss Annie Bick, assistant secretary, and Mrs. A. Becker, treasurer. A committee will be at the home, corner of Robinson and Broad Streets, to-day to receive contributions.

Court of Appeals to Convene.

The United States Circuit Court of Appeals will begin its next term on Thursday, November 5. Circuit Judges Peter F. Bricard, of Asheville, N. C.; Charles E. Wood, of Columbia, S. C.; and Martin A. Knapp, of Washington, will be in attendance. The court will have a large docket and will be in session probably until after Christmas.

Filen Petition in Bankruptcy.

Alfred J. Webster, a merchant, filed a petition in voluntary bankruptcy in the United States District Court yesterday, placing his total liabilities at \$11,838.82, and his assets at \$11,550. The assets consist only of household goods and wearing apparel.

Among the creditors who have unsecured claims are Main Street Bank, for \$2,550; F. S. Coleman, \$1,610; Sigel, \$1,000; and his associates at \$11,550. The assets consist only of household goods and wearing apparel.

Admission to the Armory.

The board of managers of the Armory for the Red Cross ball to raise money for the European war sufferers, will meet after reconvening its action, the board adopted without a dissenting vote a motion offered by Chairman Whittet, granting the use of the armory for this purpose.

The board's action closed a troublesome chapter in City Hall history which began last Friday, when the Administrative Board declined a request for the use of the armory submitted by Major T. M. Wortham on behalf of a committee from the Richmond, Va. Chapter of the Red Cross.

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All French Models.

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Freshly received for to-day's sale direct from New York, large stock of—

Fancy Oregon Table Apples, Anjou, Cornice and Torella Pears.

Fancy Tokay and Malaga Grapes.

Casaba Melons, Prickly Pears, Alligator Pears, Japanese Persimmons, Pomegranates.

Oranges and a Large Assortment of Other Table Fruits.

Baskets of Fancy Fruits of your own selection put up to order.

All Steel--No Wood

No place for water bugs and roaches—can be washed and scrubbed just like the kitchen floor.

The Jurgens' All-Steel Sanitary Kitchen Cabinet

are beautifully white enameled inside and out—are unbreakable and will last forever, and cost no more than old-style wooden ones—see them.

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If it's a wearable, and for man or boy, or girl or misses' outer wear, IT'S HERE AT BERRY'S.

Our mackinaws for women go arm in arm with the men's.

Made with the same care, cut on the same comfortable lines and from the same bold patterns.

Prices for men, \$6.50 to \$12. For women, \$6 to \$12.

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Oct. Derry

The Reinach

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Soft and velvety. Money back if not entirely pleased. Nadine is pure and harmless. Adheres and washes off. Prevents sunburn and return of discoloration. A million delighted users prove its value. Tints: Flesh, Pink, Brunette, White. By Toilet Counters or Mail, 50c. National Toilet Company, Paris, Tenn.

Revisers at Work on Criminal Sections

May Take Two Years to Compile New Code, Say Judges Hutton.

The Code Revision Commission yesterday began the work of co-ordinating the new Code at a meeting held in the office of Secretary John W. Williams. All of the members were present.

The commission is composed of Samuel A. Anderson, of Richmond; Martin P. Burke, of Lexington; and Judge P. B. Hutton, of Abingdon. "We have a long and many-sided task before us. The work may consume nearly two years," said Judge Hutton at the close of the day's session.

The Code revisers are directing their efforts for the present to revisions in the criminal sections. The members have been engaged individually for some time on different parts of the criminal Code. These revisions are coordinating and harmonizing their views. This will consume some time, and the final Code will be held daily for an indefinite period.